

A091 (Rev. 8/01) Criminal Complaint

Clerk, U.S. District Court
Southern District of Texas
FILED

NOV 30 2014

David J. Bradley, Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

**Alfredo CASTILLO
Rosalinda LUCERO****CRIMINAL COMPLAINT**

Case Number: 2:14mj1284

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about November 29, 2014 in Brooks County, in the
(Date)

Southern District of Texas defendants, **Alfredo CASTILLO****Rosalinda LUCERO**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Special Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent **Doug MacQuarrie**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No
Signature of Complainant**Doug MacQuarrie**

Printed Name of Complainant

Submitted by reliable electronic means, sworn to,
Signature attested telephonically per

Fed.R.Crim.P. 4.1, and probable cause found:

Sworn to before me and signed in my presence, and probable cause found on

November 30, 2014

Date

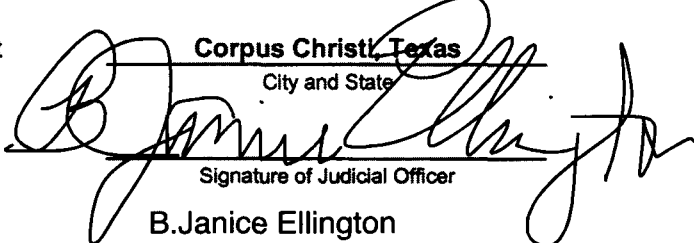
~~XXXXXXXXXX~~
Jason B. Libby**U.S. Magistrate Judge**

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State


Signature of Judicial Officer
B. Janice Ellington

AFFIDAVIT

On November 29, 2014, Border Patrol Agent (BPA) Joshua Ray was assigned primary inspection duties at the United States Border Patrol Checkpoint, located approximately thirteen miles south of Falfurrias, Texas along with Border Patrol Agent Juan Ramirez and his Service canine Besy. At approximately 2:00 pm, a black 2003 Chevrolet Avalanche bearing Texas License Plate FBT-8414 stopped at the primary inspection lane for an immigration inspection of its occupants. BPA Ray asked the driver, later identified as Rosalinda LUCERO, if she was a United States Citizen. LUCERO responded "yes". BPA Ray then asked the front passenger, later identified as Alfredo CASTILLO, if he was a United States Citizen and CASTILLO stated "yes". BPA Ray asked LUCERO where she was coming from and she stated that they were coming from McAllen, Texas, and going to San Antonio, Texas. BPA Ray asked the rear female passenger, later identified as Felicia CASTILLO, if she was a United States Citizen and she stated "yes". BPA Ray then asked the rear male passenger, later identified as "Freddie" CASTILLO, if he was a United States Citizen and he states "yes".

During the interview of the vehicle occupants, BPA Ramirez conducted a free air sniff of the vehicle's exterior with his canine Besy. BPA Ramirez signaled to BPA Ray that his Service canine had alerted to the rear of the truck. BPA Ray directed LUCERO to park her vehicle in the secondary inspection area. Once the vehicle was in secondary, BPA David Gilliam asked LUCERO for consent to search her trunk and she said, "You can open it".

Border Patrol Agents opened the truck bed and discovered seven subjects hiding in the enclosed area. The seven subjects were questioned regarding their citizenship and admitted to being illegally present in the United States. All subjects were then placed under arrest and escorted inside the checkpoint. BPA Juan Pena inspected the enclosed truck bed and determined that it did not have a safety mechanism that could be used to open the rear access door.

Once inside the checkpoint BPA Ray read Rosalinda LUCERO, Felicia CASTILLO, and Alfredo CASTILLO their rights in the desired language of English as per service form I-214. The subjects stated that they understood their rights and were willing to give a sworn statement without a lawyer present. BPA Ramirez witnessed the reading and signing of the forms.

BPA Ray and Ramirez interviewed LUCERO about her involvement and knowledge of the subjects in the enclosed truck bed. LUCERO stated that she went to a Wal-Mart located in the Rio Grande Valley with her husband (Alfredo CASTILLO) on today's date to pick up a 2003 Chevrolet Avalanche. LUCERO stated that she did not have any knowledge of the undocumented aliens hidden in the vehicle. LUCERO stated that CASTILLO was the one who coordinated the pickup. LUCERO stated to agents that she knew she would be doing something illegal.

BPA Ray and Ramirez then interviewed the front seat passenger (Alfredo CASTILLO). CASTILLO explained to agents that he was well educated and had been unable to find work, in order to provide for his children. CASTILLO further explained that he was a convicted felon and on federal probation. CASTILLO

stated to agents that he would take the blame for everything. CASTILLO further explained that LUCERO didn't know anything about the incident. CASTILLO was unwilling to answer additional questions for BPA Ray.

Border Patrol Agents also interviewed Felicia CASTILLO and "Freddie" CASTILLO. Both indicated that Alfredo CASTILLO was their father. When questioned about their involvement and knowledge of the subjects in the enclosed truck bed, both stated they did not have any knowledge of the aliens or smuggling arrangement. Both further stated that they were not getting paid any money.

At approximately 8:45 pm, Special Agent (SA) Doug MacQuarrie and BPA Cesar Orozco interviewed Rosalinda LUCERO at the Falfurrias Border Patrol Station. SA MacQuarrie read LUCERO a Statement of Rights from a Department of Homeland Security Rights Waiver Form. LUCERO read, signed and waive her rights indicating that she was willing to speak with agents. LUCERO explained to agents that Alfredo CASTILLO, Felicia CASTILLO, "Freddie" CASTILLO and her, picked up the Chevrolet, Avalanche. They picked it up at the Wal-Mart, Edinburg, TX, near Trenton Road earlier in the day. LUCERO explained that her sister dropped them off. LUCERO explained to agents that she knew they were going to be moving something illegal in the vehicle, but she did not know what. LUCERO further explained that she had been dating Alfredo CASTILLO for a few months and he was living with her. LUCERO stated that CASTILLO made all of the arrangements. LUCERO indicated that she thought they were going to cross the checkpoint and then return south. LUCERO believed that they were dropping the vehicle off in Rivera, TX. LUCERO added that CASTILLO told everyone in the vehicle to say they were traveling to San Antonio, TX for a family reunion, if anyone asked at the checkpoint.

At approximately 9:20 pm, SA MacQuarrie and BPA Orozco interviewed Alfredo CASTILLO at the Falfurrias Border Patrol Station. SA MacQuarrie read CASTILLO a Statement of Rights from a Department of Homeland Security Rights Waiver Form. CASTILLO read, signed and waive his rights, indicating that he was willing to speak with agents. CASTILLO stated that he takes responsibility for the alien smuggling incident. Agents asked CASTILLO several follow-up questions. CASTILLO explained that he picked the truck up from one of his contacts. CASTILLO then picked up his children and LUCERO. CASTILLO stated that only he knew there were seven undocumented aliens in the vehicle. CASTILLO further explained that he was going to paid \$2,500.00 to transport them to Houston, TX. CASTILLO added that he told the kids they were going to a family reunion. CASTILLO explained that he was unable to get a job and was smuggling aliens to pay his bills and provide for his children. CASTILLO refused to provide any additional details of who he was working for.

BPA's interviewed all seven undocumented aliens. None were able to identify CASTILLO or LUCERO. Every statement indicated that they were placed in the vehicle prior to being dropped off at the Wal-Mart Store.

AUSA Hugo Martinez was briefed on the particulars of the case and accepted the case for the prosecution of Rosalinda LUCERO and Alfredo CASTILLO for Title 8 USC 1324.



Douglas MacQuarrie
Special Agent
Homeland Security Investigations

SWORN TO AND BEFORE ME, PROBABLE CAUSE FOUND
THIS 30th DAY OF November 2014.



~~XXXXXX~~ United States Magistrate Judge

B. Janice Ellington